

Plan for Government & Judicial Branch (Elementary)

TRANSCRIPT FOR VIDEO AT mjieducation.mi.gov/lc-tour

Hello, and welcome to this virtual introduction to the judicial branch of government from the Michigan Supreme Court Learning Center. I'm Rachael Drenovsky. Thanks for joining us!

Let's start by talking about some big ideas, like our plan for government.

A constitution is a plan for government. Let's say that together – **Constitution**.

The United States and the State of Michigan have constitutions. These constitutions separate the powers of government into three branches. The Legislative, Executive, and Judicial branches. Let's say that together – **Legislative**, **Executive**, and **Judicial**. Each branch has a different power listed in the constitution.

What does the Legislative Branch of government do? It makes the laws. Let's say that – **Makes**.

Laws and rules are for everyone about all sorts of things, such as safety on streets and roads. Laws tell drivers when to stop and how fast to drive.

What does the Executive Branch do? Enforces the law. Let's say that together – **Enforces**.

It does things like making sure people drive safely and follow the laws.

Now, what does the Judicial Branch of government do? It interprets the law. Let's say that – **Interprets**. It decides what laws mean and how laws apply to the facts of certain cases. All cases.

Make. Enforce. Interpret. That's how our government works. But what does that mean? Here's an example.

There was a problem. Drivers were crashing because they were texting and driving. Is that safe? **No!**

So the Legislature passed a law to tell drivers "no texting and driving."

And the governor signed it. And it became a law.

Soon, police started writing tickets for texting while driving. And if you've never seen a ticket before, those papers up there, that's what they look like. It has all kinds of things that the officer observed while making the traffic stop.

But afterwards, a driver can say, "I didn't break that law! I want to take my case to court."

What might the Judicial branch do next? A court in the Judicial Branch will interpret the law and apply the facts to decide. What happened according to the facts? Including the ones that are written on the ticket. What does the law say? What should be included? What should not be included? By applying the facts to the law, the court decides whether the driver was responsible for texting and driving or not. Make. Enforce. And Interpret.

Are there any questions?

Which branch of government is the most powerful?

Under the Constitution, the three branches are actually equal. That's why they have separate powers. You might have heard the phrase "checks and balances." One branch has powers another branch can "check" with a different power.

So, let's say the Legislature approves a bill, like our texting and driving. The Governor could either agree to it or veto it. Even if it becomes a law, someone could bring a case to the Judicial Branch and say that the law is unconstitutional. Then, the courts would decide whether the law was fair or unfair according to the Constitution. Although people often think about constitutional cases, that's not the most common type of cases that courts hear.

~~We'll talk about the more of those in the next section.~~

So, courts in the Judicial Branch interpret the law to resolve disputes.

Think of a dispute as a disagreement between the sides. We call them "parties." And I want to tell you and make sure students understand that it's not like a birthday party. It's actually the people that are involved in the court case. Each dispute is called a "case."

In sports a referee interprets the rules to decide what's right. Think about your favorite sport. What might a referee decide? Or other sports officials?

A court interprets the law and applies the facts to decide. Here are some examples. Is a person guilty of a crime? Or does a company owe money for a woman's doctor bills? Or must something start or stop?

This happens every day in courts in every county in Michigan. Can you find where you are?

Local courts are called Trial Courts. Most cases start and stop here. This is a Trial Court courtroom, where both sides are heard and the facts (like what happened) are decided. And you can see there is one chair for our judge.

If a party thinks the Trial Court made mistakes when deciding the facts, they may appeal to the Court of Appeals, asking for the case to be looked at again (kind of like a sports replay).

This is a Court of Appeals courtroom where both sides are heard. You can see there are three chairs. There are three judges that hear each case in the Court of Appeals. The judges decide if the Trial Court made any mistakes and if it applied the law correctly. Cases often stop here.

If parties still think that the answer should be different, they may ask the Supreme Court to hear the case.

The Supreme Court only takes the most difficult cases that are important to the public and to the courts. The Justices look at the law, the rules, and what happened in the lower courts to give the final answer.

This is the Supreme Court courtroom where cases are heard, if it's taken. And you can see there are seven chairs there for our seven justices. Of the about 2,000 cases appealed and decided each year, usually less than 100 end up in the courtroom.

All lower courts must follow the decision of the Supreme Court in similar cases. This helps resolve similar ways across Michigan now and in the future.

So let's summarize.

There are three branches of government. Let's say those together, **Legislative**, **Executive**, and **Judicial**.

There are three levels in the courts of the Judicial Branch. Let's read those starting from the bottom, **Trial Courts**, **Court of Appeals**, and **Supreme Court**.

And there are also three levels of responsibility when interpreting the law to resolve disputes. The trial courts decide the facts, the Court of Appeals looks for mistakes, and the Supreme Court makes the final decision.

Are there any questions?

Yes. Why does the U.S. Supreme Court have more justices than the Michigan Supreme Court?

Well, each state has the opportunity to decide what its courts are like because federal government and the federal courts are separate from state government and state courts. So there are different numbers of justices on different states.

Having seven justices is actually in the Michigan Constitution. The delegates who wrote the constitution could have picked any number. And in fact, we've had different numbers of justices at different times in Michigan. The delegates decided – and the people approved, an odd number because that avoids ties.

The Supreme Court decides everything by majority rules, and we don't want ties because just like in sports, there's no winner. The purpose of the Supreme Court is to decide what's correct according to the law, so courts, and people in general, know how to act in the future.

Are there any other questions?

Yes. What happens if the parties don't agree with the Michigan Supreme Court's final decision?

Lots of people wonder about this one. Under the law, the Michigan Supreme Court is called the "court of last resort" and has the final word. So, as long as a decision doesn't violate the U.S. Constitution that's it.

But in some Michigan Supreme Court cases, there might called what's a "federal issue" – something that's in the U.S. Constitution, like freedom of speech or warrantless searches by the police – that can go to the U.S. Supreme Court. However, the answer has to be of national importance. Statistically, it's pretty rare for a case to go from the Michigan Supreme Court and then be heard and decided by the U.S. Supreme Court.

Well, thank you so much for joining us! Please visit us sometime at the Michigan Supreme Court Learning Center in Lansing.

Until then, remember – the judicial branch of government interprets the law. Bye!